

April 9, 2007

RE: Roger Johnson v. Department of Ecology
Allocation Review Request 06AL0085

Dear Mr. Johnson:

On November 20, 2006, I conducted a Director's review meeting by telephone conference call regarding the allocation of your position. You and Marcelo Garcia from the Washington Federation of State Employees (WFSE) along with Terri Beck and Pam Durham, Human Resource Consultants with the Department of Ecology, participated in the conference.

Background

On January 23, 2006, you submitted a Position Review Request (PRR) to the Department of Ecology's Office of Employee Services, requesting that your Forms & Records Analyst 2 position (#3000) be reallocated to the Forms & Records Analyst 3 classification.

By letter dated March 17, 2006, Human Resource Consultant Jan Bacon notified you that your position was properly allocated to the Forms & Records Analyst (F&RA) 2 classification. Ms. Bacon concluded your duties best fit the F&RA 2 level because your supervisor, John Althaus, had indicated no changes in your job duties and because your duties represented journey-level work, such as conducting record inventories, assisting with the reviewing and updating of record retention schedules, and coordinating and responding to public records requests.

On April 26, 2006, the Department of Personnel received your request for a Director's review of Ms. Bacon's determination.

The following summarizes your perspective as well as your employer's:

Summary of Mr. Johnson's Perspective

Mr. Johnson contends he manages the day to day operations in the Central Regions Records Office. Mr. Johnson states he responds to and coordinates all public disclosure requests by locating and retrieving the necessary information. Mr. Johnson further states he makes determinations on whether to allow or deny a public disclosure request. Mr. Johnson asserts he goes through each file the public looks at and contends he handles all public records requests ranging from routine to complex. Mr. Johnson states the purpose of his position is to create files and ensure records are available. Mr. Johnson asserts he handles hundreds of requests and maintains a log to track each request. Mr. Johnson further asserts he provides assistance to requestors in narrowing the information on the request when the request is overly broad.

Mr. Johnson states he works with other agency databases and a central indexing and inventory database for all archived records to be able to locate and cross-reference files. Mr. Johnson also states he provides technical assistance to regional staff and explains the file checkout system to individuals using the records center. While Mr. Johnson acknowledges he contacts the Attorney General's Office (AGO) when legal issues arise, he contends there are items he recognizes need to be redacted based on his knowledge and training. Mr. Johnson contends he leads other staff on the day to day delivery and oversees all of the files in the region, which he states are located within the Central Regions Office. Therefore, Mr. Johnson believes the F&RA 3 classification best describes his position.

Summary of Department of Ecology's (ECY's) Reasoning

ECY contends Mr. Johnson's position meets the distinguishing characteristics of the F&RA 2 classification because he coordinates all files in the file room by following policies and procedures, updates the database, and coordinates and copies information and prepares shipments. As part of his coordination effort, ECY asserts Mr. Johnson works with the AGO and other programs to obtain the documentation and contends they inform him about which information to redact, if items are exempt from public disclosure. ECY acknowledges Mr. Johnson consults with other programs and the AGO and does some reviewing of the disclosure materials. ECY, however, contends the duties Mr. Johnson performs are not at the higher, specialist level required of an F&RA 3. ECY asserts Mr. Johnson performs public disclosure requests at a journey-level for the programs in his region and asserts statewide public disclosure is handled by staff in Headquarters. Therefore, ECY contends Mr. Johnson is properly allocated to the F&RA 2 classification.

Director's Determination

This position review was based on the work performed for at least the six-month period prior to January 23, 2006, the date you submitted your Position Review Request.

As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review meeting, and the verbal comments provided by both parties. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position is properly allocated to the Forms & Records Analyst 2 classification.

Rationale for Determination

During the Director's review conference, you stated you manage and coordinate the Central Regions Central Files and Records Management Systems. In reviewing the Position Review Request (PRR) (Exhibit 3), you describe 20% of your time as spent performing duties managing, designing, establishing, updating, coordinating, and implementing records management in your region. You further state that 15% of your time is spent maintaining agency and regional databases for compliance with state records management and that you perform inventory of public records and approve records for destruction and maintenance.

You describe the bulk of your work (50%) as responding to all Central Region public disclosure requests by applying knowledge of agency policies and procedures, systems, analysis and laws relating to public disclosure. You further state that public disclosure work has grown. Specifically, you describe your public disclosure related duties on the PRR as follows:

- Schedule public reviews;
- Assist requestor in defining the scope of records requested and assist staff in identifying records responsive to that request;
- Identifying and redacting information exempt from disclosure;
- Provide records to requestor and retain records related to requests in accordance with records retention requirements;
- Public disclosure includes redacting and dissemination of exempt materials, using Attorney General's (AGO) advice and/or consultation when required or necessary;
- Maintain contact with AGO's on sensitive issues and legal concerns;
- Coordinate copying and shipping of all documents requested or providing electronic documents.

Your supervisor, Regional Business Administrator John Althaus, disagrees with your description of duties in the PRR. Mr. Althaus, who assigns the work for your position, describes your assigned work (Exhibit B attachment), in part, as follows:

- This position does not have agency wide responsibility for records management but is responsible for maintaining the records at the regional office;
- This position does not have the final approval authority for records retention schedule or the disposition of records;
- This position performs journey level job duties, which include conducting record inventories; assisting with the reviewing and updating of the record retention schedule; and coordinating and responding to public record requests.

Mr. Althaus also states your position is not responsible for subordinates. The lead worker status, however, does not impact the level of allocation here because both the F&RA 2 and 3 levels may lead or supervise.

An allocation is based on the work assigned to a position and how that compares to the category concept of an occupational category and then the distinguishing characteristic at the various levels within the series.

The distinguishing characteristics for an F&RA 2 state the following:

Positions at this level provide consultation to managers and perform journey-level forms and/or records work such as analyzing manual, electronic and/or automated forms and/or records management problems, developing and implementing plans for rectifying system deficiencies, designing forms and coordinating forms production. Incumbents assist with and coordinate records retention . . . and provide consultation on forms and/or records management programs and system requirements. Incumbents . . . retrieve information for and respond to public record requests.

The Washington State Classification and Pay Guide describes the second level (Level 2) of an occupational category as the "journey, working, or fully qualified level" where incumbents "work independently and are competent to resolve issues within their area of responsibility." It also defines journey-level as "[f]ully competent and qualified in all aspects of a body of work and given broad/general guidance, can complete work assignments to standard under minimal supervision."

The distinguishing characteristics for an F&RA 3 read as follows:

Positions at this level are specialists in two or more system areas such as financial records, student records, resident records, and/or health records, or function as a management consultant for complex manual and/or electronic forms and/or records problems, or provide management consultation and determinations on responses to public record requests.

The Washington State Classification and Pay Guide describes the third level (Level 3) of an occupational category as the experienced level, which can be described in various ways including "senior, specialist, lead, trainer, complex, in-depth or in-charge worker." The distinguishing characteristic for the F&RA 3 class refers to the word "specialist." The Classification and Pay Guide identifies the duties of a specialist as involving "intense application of knowledge and skills in a specific segment of an occupational area."

The Classification Questionnaire (CQ) on file for position #3000, signed on November 29, 1999, describes the majority of your work as maintaining data document storage and retrieval and monitoring retention schedules and essential records (40%) and acting as public disclosure coordinator (45%). While I agree the language used to describe your duties may be somewhat outdated, the primary functions relate to maintaining the files in the record center and coordinating public disclosure requests. Furthermore, your supervisor has indicated that he has not assigned any new duties to your position.

Additionally, the majority of duties you describe on your PRR primarily fall within the F&RA 2 level as well. The F&RA 2 is considered a journey-level position where an incumbent is fully qualified in all aspects of the work and works with minimal supervision, similar to your position. Although you make some decisions regarding public disclosure requests, based on your knowledge and experience, your decision-making is consistent with the work performed at the F&RA 2 level because you work independently and resolve issues within your region but also consult with the AGO or other programs when questions arise about a specific request.

At the F&RA 2 level, incumbents provide consultation to managers regarding journey-level work. While you may consult with managers regarding the coordination of materials in individual programs within your region, your position is not assigned to provide senior level management consultation on how to respond to public record requests, indicative of the F&RA 3 classification. Therefore, the Forms & Records Analyst 2 classification best describes your position # 3000.

Appeal Rights

WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board (board) by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination. The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

Sincerely,

Teresa Parsons
Director's Review Supervisor
Legal Affairs Division

c: Marcelo Garcia, WFSE
 Terri Beck, ECY
 Lisa Skriletz, DOP

Enclosure: List of Exhibits